

HOUSE BILL 809

E2

0lr2453

By: **Delegates Dumais, Conway, DeBoy, Malone, and Mathias**

Introduced and read first time: February 9, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Extended Parole Supervision Offender – Minor at Time**
3 **of Act**

4 FOR the purpose of altering the definition of “extended parole supervision offender” to
5 include a person who was a minor at the time of a certain act and who is
6 required to register with the person’s supervising authority under a certain
7 provision of law.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 11–701(f)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Procedure
15 Section 11–704
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Criminal Procedure**

21 11–701.

22 (f) “Extended parole supervision offender” means a person who:

23 (1) is a sexually violent predator;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) has been convicted of a violation of § 3–303, § 3–304, § 3–305,
2 § 3–306(a)(1) or (2), or § 3–307(a)(1) or (2) of the Criminal Law Article;

3 (3) has been convicted of a violation of § 3–309, § 3–310, or § 3–311 of
4 the Criminal Law Article or an attempt to commit a violation of § 3–306(a)(1) or (2) of
5 the Criminal Law Article;

6 (4) has been convicted of a violation of § 3–602 of the Criminal Law
7 Article for commission of a sexual act involving penetration of a child under the age of
8 12 years; [or]

9 (5) has been convicted more than once of a crime as a child sexual
10 offender, an offender, or a sexually violent offender; **OR**

11 **(6) IS REQUIRED TO REGISTER WITH THE PERSON’S SUPERVISING**
12 **AUTHORITY UNDER § 11–704(C) OF THIS SUBTITLE.**

13 11–704.

14 (a) Subject to subsection (c) of this section, a person shall register with the
15 person’s supervising authority if the person is:

16 (1) a child sexual offender;

17 (2) an offender;

18 (3) a sexually violent offender;

19 (4) a sexually violent predator;

20 (5) a child sexual offender who, before moving into this State, was
21 required to register in another state or by a federal, military, or Native American
22 tribal court for a crime that occurred before October 1, 1995;

23 (6) an offender, sexually violent offender, or sexually violent predator
24 who, before moving into this State, was required to register in another state or by a
25 federal, military, or Native American tribal court for a crime that occurred before July
26 1, 1997; or

27 (7) a child sexual offender, offender, sexually violent offender, or
28 sexually violent predator who is required to register in another state, who is not a
29 resident of this State, and who enters this State:

30 (i) to carry on employment;

1 (ii) to attend a public or private educational institution,
2 including a secondary school, trade or professional institution, or institution of higher
3 education, as a full-time or part-time student; or

4 (iii) as a transient.

5 (b) Notwithstanding any other provision of law, a person is no longer subject
6 to registration under this subtitle if:

7 (1) the underlying conviction requiring registration is reversed,
8 vacated, or set aside; or

9 (2) the registrant is pardoned for the underlying conviction.

10 (c) (1) A person described under § 11-701(c)(5)(i) of this subtitle, or a
11 person described under § 11-701(j)(3)(i) of this subtitle, shall register with the person's
12 supervising authority if:

13 (i) the person was a minor who was at least 13 years old at the
14 time the delinquent act was committed;

15 (ii) the State's Attorney or the Department of Juvenile Services
16 requests that the person be required to register;

17 (iii) 90 days prior to the time the juvenile court's jurisdiction
18 over the person terminates under § 3-8A-07 of the Courts Article, the court, after a
19 hearing, determines under a clear and convincing evidence standard that the person is
20 at significant risk of committing a sexually violent offense or an offense for which
21 registration as a child sexual offender is required; and

22 (iv) the person is at least 18 years old.

23 (2) If the person has committed a delinquent act that would cause the
24 court to make a determination regarding registration under paragraph (1) of this
25 subsection:

26 (i) the State's Attorney shall serve written notice to the person
27 or the person's counsel at least 30 days before a hearing to determine if the person is
28 required to register under this section; and

29 (ii) the Department of Juvenile Services shall:

30 1. provide the court with any information necessary to
31 make the determination; and

32 2. conduct any follow-up the court requires.

1 (3) The form of petitions and all other pleadings under this subsection
2 and, except as otherwise provided under Title 3 of the Courts and Judicial Proceedings
3 Article, the procedures to be followed by the court under this subsection shall be
4 specified in the Maryland Rules.

5 (4) The court may order an evaluation of the person in making the
6 determination under paragraph (1) of this subsection.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2010.